

Minutes of a Regular Meeting of the Common Council of the Town of Clarkdale Held on Tuesday, April 13, 2004 in the Men's Lounge, Clarkdale Memorial Clubhouse, Clarkdale, Arizona

A Regular meeting of the Common Council of the Town of Clarkdale was held on Tuesday, April 13, 2004 at 6:00 p.m. in the Men's Lounge, Clarkdale Memorial Clubhouse, 19 North Ninth St., Clarkdale, Arizona.

Town Council:	Mayor	Michael Bluff
	Vice Mayor	Ellie Bauer
	Councilmember	David Leibforth
		Rex Williams
		Tom Groom

Staff:	Town Attorney	Rob Pecharich
	Town Manager	Gayle Mabery
	Town Clerk	Joyce Driscoll
	Planning Director	Steven Brown
	Police Chief	Pat Haynie
	Fire Chief	Don Eberle
	Finance Director	Coleen Gilboy
	Planner II	Beth Escobar
	Parks & Recreation	Katie Cannon

Others in attendance: Robyn Prud'homme-Bauer, Pat Williams, Doug Von Gausig, Jerry Wiley, Betty Milton, Maude McLaughlin, Nancy Bonfield, Robin Bonfield, Harry Crockett, Ruth Miller, Adelia Harris, Victor Sammarco, Heather Hendrix, Ed and Dee King, Rebecca Andre, Mildred Motes, Bill Fitzgerald, Chris and Sandy Boothe, Carolyn Slatton, Kathleen McKenney, Mark and Misha Randall, D.L. Downer, Don Stillwell, John Cook, Trudy Elkins, M. Znick, Frank and Georgia Sa, Mary Wagner, Jeffrey Steed, Marsha Foutz, Alicia O'Neill, Martin Jeffries, John Sherman, Elpidio Rangel, Robert Campbell, Hank and Peggy Chaikin, Dave McDonough, Peg and Phil Sarkisian, Rebecca Lunn, Shelby Maynard, Cate Mugasis, Bill Seeley, Teri Von Gausig, Gerald Lembas, Bob Gunnison, Carmaleet Daugherty, Lunn Fitzgerald, Earl Blackwell, Nancy Snyder, Carl Campio, Russell Balda, Sandi Johnson, Bettty Klassen, Danicka Schamp, Bethany schamp, Janice Paul, Tom Evans, Lori Garcia, John and Pam Boyle Pat Conlin, Jean and Howard Poole, Robbie Roleson, Judy Jaaskelainen and others who did not sign in or whose names were illegible.

CALL TO ORDER – Mayor Bluff called the meeting to order at 6:25 p.m. and noted that all Councilmembers were present.a

Mayor Bluff moved by unanimous consent to reorder the agenda to take Items 8 and 9 (Verde River Iron Company Conditional Use Permit) first, then Items 6 and 7 (Preliminary Plat for Mountain Gate Subdivision), then the rest of the agenda in order.

PUBLIC HEARING - A hearing to obtain input from the public on a proposed Conditional Use Permit (CUP) by Verde River Iron Company to reclaim materials from the slag located at the old smelter site, in the I, Industrial zone district at the north end of Luke Lane, tax assessors parcel number 400-02-004G.

Planning Director Brown read the staff report, as follows:

Background Information:

Verde River Iron Company, in partnership with Transylvania International, has submitted a Conditional Use Permit request for a project to reclaim materials from the slag pile.

As directed by the Planning Commission at the February 17 meeting, staff met with representatives from Transylvania International and Verde River Iron Company on March 2, 2004. Discussed in this meeting were several of the question and concerns expressed by Commissioners and the public at the 2/17 meeting regarding this project.

On Friday, March 12, Planning Commission Chairman Gary Hansen, Commissioner Lew Dodendorf and staff member Beth Escobar toured the Verde River Iron Company Facilities in Phoenix. Chairperson Hansen felt the operation was very impressive and had no negative thoughts on the project. Commissioner Dodendorf stated he felt the facility was well laid out and well planned. The secondary containment was adequate to handle any spills, the safety issues were well addressed, the noise level was minimal, the house keeping was neat, the equipment well maintained and not a lot of dust. Commissioner Dodendorf stated it was a well-run operation.

Staff believes that through the ADEQ permitting process, and the Army Corp of Engineers and Yavapai County Flood delineation and possible permitting process, the applicant will sufficiently address concerns regarding the environmental impact of this project.

Planning Commission Recommendation:

At their March 15, 2004 meeting the Planning Commission voted unanimously to recommend approval of the Conditional Use Permit based on the REQUIRED FINDINGS, as indicated in Chapter 6 in the Town Zoning Code:

Application Requirements: Those conditions necessary to assure compatibility of the development of the land in question will be consistent with the purpose of the Zoning Ordinance, Town of Clarkdale General Plan, other statutes, and any ordinance or policies that may be applicable.

Bulk Regulations: The site is adequate in size and topography to accommodate proposed use, population density, building height, lot coverage, setbacks, spaces, landscaping, fences, and parking. That these elements are compatible with the general character of development in the vicinity of the proposed conditional use and are adequate to properly relate the proposed use with existing land uses in the vicinity.

Performance: That the location, design and operation characteristics of the proposed use are such that, it will have minimal adverse impact on the livability, public health, safety, welfare, convenience of persons residing or working in the vicinity, to adjacent property, to the neighborhood or to the public welfare in general.

Traffic Impacts: The provisions for ingress and egress, public streets and traffic circulation are adequate, or can be upgraded through street improvements as a condition of approval.

Landscaping: Landscaping and/or fencing of the proposed development, assures that the site development will be compatible with adjoining areas and with the intents of Town policies.

Nuisance: That the proposed use will not create a hazard to persons and property from possible explosions, continuation, fire or flood. That the use will not create a nuisance arising from but not limited to: Noise, smoke, odors, dust, vibration, signage or illumination.

The Commission further recommended the following stipulations:

1. Site Plan Review:
 - a. Prior to the issuance of any building permits for the construction of any structures, or any site work, applicant shall have obtained Site Plan Approval from the Design Review Board of the Town of Clarkdale.

- b. Prior to the issuance of a Certificate of Occupancy, applicant must submit a preliminary reclamation plan to include:
 - i. Plans for a possible park site at the reclaimed area.
 - ii. A re-vegetation plan for the area of the current slag pile to indicate the use of plants from the Xeriscape Plant List that is a part of the Town of Clarkdale Zoning Code. The plan should include an irrigation system
2. Permitting: Prior to the issuance of a Certificate of Occupancy for any structures on the property, applicant shall:
 - a. Apply and receive all necessary permits from Arizona Department of Environmental Quality and any other state federal and county agencies.
 - b. Receive a ruling from the Arizona Corp of Engineers demonstrating this project is exempt from permitting requirements or 404 permit applications have been submitted.
3. Applicant agrees to meet all current standards and restrictions indicated in Section 10-1-11 of the Town Code for noise abatement, and the Section 4-16-I-5 of the Zoning Code if, after the plant becomes operational, it is determined by the Planning Director, as a result of complaints filed by surrounding residents, that these standards are not adequate, applicant agrees to work with the Town to find a reasonable solution to abatement.
4. Applicant agrees to meet all guidelines, standards and requirements indicated in Chapter 6, Section 24, Outdoor Lighting Code, of the Town of Clarkdale's Zoning Code.
5. Because of the phased nature of this project, the Town agrees to waive parking space requirements for employees until the construction of the second building for employees. After that grace period applicant shall design and construct the parking area to provide one 4x10 traffic island and one tree for every eight spaces. Trees used shall be from the Xeriscape list provided as part of the Zoning Code.
6. Transylvania International and Verde River Iron Company agree to participate in planning, negotiations and implementation of extending Luke Lane directly to Cement Plant Road.

Staff Recommendation:

Staff concurs with the with the recommendation of the Commission, and further recommends that if the Council chooses to approve this Conditional Use Permit, that they include the REQUIRED FINDINGS, as indicated in Chapter 6 in the Town Zoning Code as part of any motion.

Mayor Bluff opened the public hearing. **Harry Crockett**, Verde River Iron Company representative stated they would be processing 10,000 tons per day at their peak production. At this rate it will take approximately 15 years to deplete the slag pile. He stated that they would be using the bridge for construction traffic and for finished material sold locally. The rest of the product would be shipped by rail. He stated that it would be 3-4 years before they are at the above level of production. The processing would start approximately 9 months to a year from the time they receive their permits. Mr. Crockett stated that the products are iron, copper, zinc, silica, gold, and silver. Production by-products, 3-5% of the production, will be used as fill and platform pads on site for leveling and stiffener in the cement at the cement plant.

Trudy Elkins, 511 First North, stated she is concerned about the noise pollution, especially at night with a 24-hour operation. She stated she is concerned with employee traffic, the environmental impact of the acid wash to the Verde River and the water supply, and this is the first she has heard of an industrial subdivision.

Carolyn Slatten, 1411 Main, stated she is from a family of truck owners and heavy equipment operators, and

she would like to see a list of the equipment and their noise levels and she would like to know the amount of expected traffic. She stated she is concerned about bright spotlights.

John Sherman, 571 Fiesta, had four issues. First, where is the water coming from and is the town addressing the use of effluent? Second, the traffic on the bridge from employees. Third, how will the acid wash be mitigated? Fourth, the greatest concern, noise.

Teri Von Gausig, 1401 South Second, stated she is against the entire project for all the obvious reasons.

Carl Campio, Centerville, stated the slag pile should be left alone, as it is part of the history of the town and contributes to tourism.

Pat Williams, 1130 Sunrise Drive and Chair of the Heritage Conservancy Board, reminded everyone that the Bitter Creek Bridge on Broadway is on the national historic Registry and is a contributing element to the historic district. She stated she would like to see traffic avoid this historic artifact.

Heather Hendrix, Gilbert, stated that the claim to the land was misrepresented and the owner wrongfully acquired the property. She requested that the Council reject the conditional use permit or defer a vote on it.

Chris Boothe stated that the recent gravel truck noise was horrendous and he thinks this is a dreadful idea that we don't need in our town.

Tom Evans, 1 Hollow Reed Lane, questioned the heavy industrial use in that area and stated he thinks granting this use permit will lead to further complications and eight of noise a day is plenty.

Martin Jeffries, 541 Fiesta, stated he is concerned about where the water will come from and what process will be used to reduce the slag, and about the noise, light and dust pollution.

Janice Paul, 1 Hollow Reed Lane, expressed opposition to this operation and stated she is opposed to trucks coming across the bridge and down Broadway for pedestrian safety and that the quality of life will be destroyed.

Harry Crockett, stated that the process is fully enclosed, does not dump into the environment or leach into the river and that effluent will be used for the process. Broadway will be used to ship product until the Broadway extension is built. He stated that they would abide by the noise and light standards of the town. They will use rubber-tired vehicles during the night. They have agreed to consider a public park on the site when the operation is finished. He stated that he was informed that the town desires an industrial subdivision. The Industrial subdivision will include a park on the Verde River. He stated that they must meet EPA standards regarding the materials and have a reclamation plan. The product qualifies for the Environmental Protection Agency's inert classification.

Mayor Bluff closed the public hearing.

CONDITIONAL USE PERMIT - Consideration of an application for a Conditional Use Permit by Verde River Iron Company to reclaim materials from the slag located at the old smelter site, in the I, Industrial zone district at the north end of Luke Lane, tax assessors parcel number 400-02-004G. Town Attorney Pecharich pointed out that the town has noise, light and dust control ordinances that the applicant must adhere to. He asked if the applicant supplied a list of equipment being used (they did not). He asked if there was a title report submitted showing ownership of the property and there was not. He discussed the possibility of limiting the hours the business operated. Town Attorney Pecharich added that legal issues should be addressed to a court and are not properly addressed to the town. He advised that the applicant, at his expense, should supply a title report.

The following issues were discussed:

1. The construction ordinance limits noise between 9:00 p.m. and dawn.
2. The Planning Commission did not recommend a limit for the hours of operation.
3. The owner on the application is Mr. Lembas, but a title report showing the legal owner was not required for the application.
4. No construction or trucking from 9 p.m. to dawn
5. The time it will take for Luke Lane to be extended depends on negotiations with the Salt River Pima tribe.
6. The council could review the CUP in two years and could make additional requirements then.
7. Transport of materials is not construction.

Councilmember Williams moved to adopt the staff recommendation, which adopts the required findings, includes the six stipulations recommended by the Planning Commission, includes a seventh condition dealing with all vehicles and equipment being rubber tired during the hours between 9 :00 p.m. and dawn, and includes an eighth condition being a requirement for a title report showing the owner of record of the property to be furnished to the Planning Department. Vice Mayor Bauer seconded and the motion passed four to one, with Councilmember Leibforth opposing it.

The Council recessed at 8:45 p.m. and reconvened at 8:50 p.m.

PUBLIC HEARING - A hearing to obtain input from the public on a proposed preliminary subdivision plat for Mountain Gate Subdivision, tax parcel #400-06-053C. Planning Director Brown presented the staff recommendation, as follows:

Background:

On March 23, 2004 the Council held a work session with a Citizen's Group and the representatives of Empire, for the purpose of reviewing the proposed stipulations from the Citizen's Group with Empire and the public. During the work session, the Council directed staff and Empire Companies to work on several outstanding issues, and to be prepared to present additional modifications to the Preliminary Plat at their April 13, 2004 public hearing. The following staff recommendation includes the recommendations by the Planning Commission on the Preliminary Plat, which the staff concur with, as well as additional stipulations that respond to the direction received from the Council. At the time of this writing, some modifications to the Preliminary Plat have been submitted by Empire Companies, but not all of the modifications requested by Council are included. Any further modifications submitted will require review by staff, before cogent comments can be communicated, and recommendations made. Therefore, the following staff recommendation is based on the available information provided by Empire Companies at this time.

Staff Recommendation:

Prior to the submittal of a Final Plat Empire Companies shall have entered into an agreement between the owner of Yavapai County Assessor's parcel number 400-06-016M to permit the construction of the Collector road over that property and to develop an intersection with Broadway.

1. Prior to the submittal of a Final Plat Empire Companies shall have entered into a Development Agreement with the Town to include provisions that are designed to solidify stipulations covering various elements of the conditions for the approval of this Plat, as well as the PAD approval, and other issues identified through the review process. Such elements may include, but will not necessarily be limited to the following: the method by which wastewater treatment shall be provided to this project; any required participation on the part of Empire Companies in Improvement/Community Facilities Districts for the purpose of development of infrastructure components to serve this project; provisions for the joint maintenance of the park area and play/ball fields, as well as trails, and to share access to those facilities by all Town residents; provisions for the

availability of the community building for use by all Town residents on a reasonable basis dependent on time availability.

2. During the Technical Review, Empire Companies shall provide construction drawings (in a format to be specified by the Town of Clarkdale) which include the following off-site improvements:
 - a. The Major Collector Standard roadway connections to Hwy 89A and Broadway, including the off-site improvements necessary to construct the Collector road through parcel 400-06-016m to include a minimum 50 foot right-of-way, 24 foot chip sealed surface and with a maximum 12% grade.
 - b. The improvements necessary to construct the Collector road on the perimeter of the Centerville neighborhood to include any necessary improvements to connect the Collector Road with Avenida Centerville and/or 89A to include a minimum 50 foot right-of-way, 24 foot chip sealed surface and with a maximum 12% grade.. The design shall be coordinated with the Town Engineer and ADOT engineers. Empire Companies shall also design the collector street as it passes by the Centerville neighborhood to mitigate the noise impact on the adjacent neighborhood. The emergency access from the cul-de-sac at the southeast corner of Mountain Gate to be rerouted from Calle Carrillo to Avenida Macias. This connection will remain for emergency purposes only and will not provide a through traffic connection. The through traffic connection between Centerville and Mountain Gate will be achieved by the Broadway to 89A connector.
 - c. The off-site improvement of 11th Street along the project's frontage, to the intersection of 11th Street and Cement Plant Road to include a round-about, or other adequate alternative at the entrance to Mountain Gate, to be reviewed and approved by the Town's Engineers, **and curb and gutter and meandering sidewalk throughout the project's frontage and including the Commercial property.**
3. Also, during the Technical Review, Empire Companies shall provide construction drawings (in a recordable format to be specified by the Town of Clarkdale) which include the following off-site improvements:
 - a. The improvements to the 11th Street frontage including a minimum 8 foot landscaped area. A landscape plan shall be developed and approved through the Site Plan Review process (Zoning Code Section 17.W). The landscape plan will include plants chosen from the Town of Clarkdale Xeriscape Plant List, and shall include an indication of the size at planting and mature size, and shall also include a maintenance plan an irrigation system to remain in place and functional for the first two years after planting. The improvements to 11th Street shall be coordinated with ADOT as they approach the intersection with Hwy 89A, and include the recommended improvements provided by ADOT through their review of the Traffic Impact Analysis.
 - b. The improvements to the frontage with Avenida Macias including a minimum 8 foot dedicated landscaped right-of-way area, as a part of the lots, for lots 144 through 149 as they abut the right-of-way for Avenida Macias. A landscape plan shall be developed as a part of the Technical Review, and approved through the Site Plan Review process (Zoning Code Section 17.W). The landscape plan will include plants chosen from the Town of Clarkdale Xeriscape Plant List, and shall include an indication of the size at planting and mature size, and shall also include a maintenance plan an irrigation system to remain in place and functional for the first two years after planting..
 - c. The wall section as it abuts Tax Assessor's Parcels 400-06-030B and 400-06-030L, and including a six foot site wall, or view fence atop any retaining wall to be constructed along that property frontage, at the option of the owners of those parcels.

- d. Include the management of drainage, which is being directed to 11th Street and thence to the intermittent wash to the north east of the project which enters the project from under 11th Street. Improvements shall include any necessary catch basins, drop structures, outfall structures, bank stabilization measures and culverts.
- e. Include the management of drainage, which is being directed to the wash that runs along the northern boundary of the property. Improvements shall include any necessary catch basins, drop structures, outfall structures, bank stabilization measures and culverts.
- f. Include the hydrants and corresponding flow rates, and to respond to comments received from the Fire Marshall.
- g. Include the design of the natural trails, and the walkways that are to make up their trail system through the project, including typical sections for three levels of trails; 1) natural trails; 2) groomed stabilized ABC trails; and 3) sidewalk trails.
- h. Include design of a 15 foot landscape easement at the rear of the Town Home lots, and a 6 foot tall site wall of split face block (with the split face toward the commercial property) along the entire length of the Town Home Area adjacent Commercial property. The property lines for the Town Homes that abut the Commercial area will be extended to the shared property line with the Commercial property making these lots approximately 15' deeper than the typical Town Home lot.
4. Landscaping for the Mountain Gate Subdivision shall utilize Xeriscape and drought tolerant plant species, to the maximum extent practical
5. Road numbers 26 and 27, only, shall be completed with sidewalks on both sides. All other streets shall have sidewalks on one side.
6. Unless otherwise approved by the Council, all streets shall be dedicated to the public, and shall be of the following pavement widths:
 - a. Collectors: 28 feet
 - b. Public: 24 feet
7. Plans for the Town Home area shall be modified to include twenty (20) auxiliary parking spaces. The final design for those spaces will be determined through the Site Plan Review of the Town Home area. Additionally, the 20 spaces could be reduced by one or two spaces if the developer desires to place a "tot lot" play area in the Town Home area.
8. Final Design Drawings developed during Technical Review shall include the specific identification and design of pocket park or trail head sites along the trail system.
9. Prior to the issuance of any building permits for any units in Mountain Gate,
 - a. A water supply sufficient for fire suppression at required flow rates shall be provided in a manner approved by the Fire Chief and Fire Marshall.
 - b. A roadway shall have been completed to any units for which building permits are sought, to minimum construction standards as specified in the 2003 International Fire Code.
10. Prior to the issuance of building permits for any units, Final Plat approval shall have been obtained for that phase of development.
11. Prior to the issuance of Certificates of Occupancy for any units, the appropriate number of postmaster approved multi-user mail boxes shall have been installed in locations specified by the Postmaster.

12. The Developer agrees that it shall either reserve a three (3) acre school site within the property or enter into an agreement with the Clarkdale/Jerome School District and the Mingus Union High School District for a donation in lieu of a school site prior to Final Plat approval.

Brian Rhoton, representing Empire Companies, noted they had made fairly major changes to the preliminary plat since the last council meeting, as follows:

1. There are 606 total units, down from 610.
2. The trails are defined and are divided by who will maintain them.
3. The minimum street width is 24', allowing dedication of all streets to the town.
4. There are five pocket parks.
5. The houses along Eleventh Street were eliminated, leaving a frontage street.
6. There is a roundabout at the Eleventh Street entrance.
7. The homes adjacent to the Hollow Reed properties have been moved back.

Ken Powers, representing Perlman Architects of Arizona, presented the proposed designs of the homes.

Mayor Bluff opened public comment. **Marsha Foutz**, 31 Main Street, applauded Mr. Rhoton for the changes. She stated she is still concerned about the single lane driveways on the 24' wide streets in the town house area and she sees no overflow parking in that area. She also cannot tell if the central area has single-lane driveways. She suggested double drives on one side of the street with no parking on the street on that side, and single drives on the other side of the street with parking on the street on that side.

Nancy Bonfield, 15112, Third South, appreciates what has been done so far. However, she thinks information has been hard to get during this process. She mentioned a survey with 62 respondents regarding the development. The survey questions and the responses were as follows:

How do you feel about the Mountain Gate Subdivision coming to Clarkdale?

- A. I like the idea, as I understand it 10%
- B. I don't care one way or the other 9.3%
- C. I don't like the idea, as I understand it. 80.6%

How do you feel about the town Council's handling of Mountain Gate?

- A. I think they are doing a fine job. 4.5%
- B. I don't know enough to answer. 34.4%
- C. I think they are giving in too much to the developer. 61%

What do you think of a wall down 11th Street between the development and the road?

- A. I don't think there should be a wall. 73.4%
- B. I don't care one way or the other. 8.6%
- C. I like the idea of a wall. 17.9%

Cate Mugasis, 841 Calle Rosas, stated she is not in favor of the Mountain Gate development in any way.

Tom Evans, 1 Hollow Reed Lane, thanked the Council and Planning Department and the developer for concession made regarding trails and the use of Eleventh Street. He stated he is concerned about property being taken in Centerville for the collector road. He would like to see more dirt trails, sidewalks on both side of the streets and overflow parking. The non-sidewalk gravel edges will be used for parking. The retaining walls should be low and include vegetation. He thinks roundabouts are obstructions to traffic and recommends two lanes, one a throughway and one for turning. He thinks the development is too dense at the expense of trails and space. He would like to see a review of ordinances regarding development. He stated a development agreement should not be signed.

Trudy Elkins, 511 First North, stated there were 65 survey respondents who were concerned about water.

Betty Milton, 103 Sunset, stated she's concerned about the traffic on Eleventh Street, the roundabout and the lack of water.

Kathleen McKenney, 1402 Main, stated many respondents to the survey said the density was too high and the streets too narrow.

Allan Tadback stated he chose to live in Clarkdale in November for a peaceful town and that this development is too drastic.

Janice Paul, 1 Hollow Reed Lane, found that many people did not know about the development while she was helping with the survey.

Jeffrey Steed, 1404 Third South, stated he thinks the development will not result in the view being lost and the residents will support businesses in town. He opposes further delay in the approval of the project.

Doug Downer, 1409 First South, stated he thinks the development will lessen the quality of life in Clarkdale.

Chris Boothe, 123 Sunset, stated he thinks the development could have dire consequences for the town.

Mark Randall, 102 South Fifteenth, representing the citizen group, thanked Mayor Bluff for advocating for changes to the plat and Empire companies for making the changes. He stated the outstanding issues remaining are sidewalks on both sides of the streets, pocket parks, streets adequate to get the residents out, and a landscape buffer at least 16' wide at the wall between Centerville and Mountain Gate.

Jerry Wiley, 520 Todd Circle, stated that there are problems coming in Clarkdale, including the cost of a wastewater treatment plant, water that will cost more when it is municipally owned and fire service that will cost more as a district. Mountain Gate will reduce those costs to the current residents. He noted that there will be a clean up on Mingus Avenue on Saturday.

Shelby Maynard, 800 Calle Rosas, stated the Centerville residents still do not know if the road is going through two homes, if traffic will increase in Centerville, or if there will be a wall. She is still waiting for a Centerville meeting regarding the road placement.

Mayor Bluff noted he had a letter from the Macias, Figueroa and Padilla families. He closed the public hearing.

PRELIMINARY PLAT - Consideration of proposed preliminary subdivision plat for Mountain Gate Subdivision, tax parcel #400-06-053C. Town Attorney Pecharich reminded everyone that the Council has no authority to consider water in approving a development.

Brian Rhoton stated Empire Companies has a well location, a driller and a permit.

Planning Director Brown noted that the applicant would have to file with Arizona Department of Water Resources that they have an adequate water supply.

Town Attorney Pecharich verified with Mr. Rhoton that the developer is aware that, in addition to these conditions for the preliminary plat, that the requirement of the town will be the execution of a development agreement between the Town of Clarkdale and the developer. And that one of the conditions of the agreement will be that the developer will contribute \$3,000,000 towards the construction of the new wastewater treatment plant. Mr. Rhoton stated he was aware and agreed to that.

Mayor Bluff moved to approve the preliminary plat for the Mountain Gate subdivision adopting the

The six findings of fact, Items A-F, shown on the preliminary plat

The twelve conditions, with Paragraph 2.c. revised so that the last sentence shall read, "be reviewed and approved by the Town engineers, and a four-foot sidewalk from the roundabout to adjoin with the sidewalk on the west side of street 027"

The addition of Condition 13 reading the plat shall be modified to include the trail system and relocation of the emergency access as shown on the trail system exhibit presented at the April 13, 2004 Council meeting.

The addition of Condition 14 reading that Lot 207 shall be approved as platted

Councilmember Groom seconded and the motion passed four to one, with Councilmember Leibforth opposing it.

The Council recessed at 9:50 p.m. and reconvened at 9:55 p.m.

PUBLIC COMMENT – None.

INFORMATIONAL REPORTS

MAYOR'S REPORT – Mayor Bluff noted that the town had received an \$8000 donation from Phelps Dodge Corporation for the gazebo.

VICE MAYOR'S REPORT – Vice Mayor Bauer reported that Regional Awards are being given by the Department of Commerce.

TOWN MANAGER'S REPORT – Town Manager Mabery stated that the Fire District petitions were going slowly. The petition deadline is May 30th.

NACOG - A report regarding the Northern Arizona Council of Governments. None

NAMWUA - A report regarding the Northern Arizona Municipal Water Users Association. None.

WAC - A report regarding the Yavapai County Water Advisory Committee. None.

COCOPAI - A report regarding the Coconino-Yavapai Natural Resource Conservation District. None.

VVTPO - A report regarding the Verde Valley Transportation Planning Organization. None

CONSENT AGENDA - The consent agenda portion of the agenda is a means of expediting routine matters that must be acted on by the Council. All items approved with one motion. Any items may be removed for discussion at the request of any Council Member. Mayor Bluff moved by unanimous consent to approve the consent agenda.

- A) **Approval of Minutes of the Common Council** - Approval of the minutes of the Regular Meeting held March 9, 2004 and the Special Meetings held March 23 and 30, 2004.
- B) **Claims** - List of specific expenditures made by the Town during the previous month.
- C) **Board and Commission Minutes**
 - Planning Commission Minutes of the meetings scheduled March 1, 8 and 15, 2004.
 - Heritage Conservancy Board Minutes of the meetings scheduled March 24, 2004.8
 - Library Advisory Board Minutes of the meeting scheduled March 4, 2004.
 - Parks and Recreation Commission Minutes of the meeting scheduled March 22, 2004.
- D) **Reports** - Approval of written Reports from Town Departments and Other Agencies
 - Building Permit Reports - March, 2004
 - Fire Department Report and Mutual Aid Responses Report - March, 2004
 - Police Department Report - March 2004
 - Magistrate Court Report - March 2004
 - Clark Memorial Library Report - February 2004
 - Cottonwood Area Transit System (C.A.T.S.) Report - January and February 2004

- E) **Liquor License Application** - Recommendation to the Arizona Department of Liquor License and Control for approval of a liquor license application from Number One Food Stores to the Arizona.
- F) **Request by Clarkdale Chamber of Commerce** - Recommendation to the Arizona Department of Liquor License and Control for approval of a temporary liquor license application from the Clarkdale Chamber of Commerce and approval of the closure of 10th Street for a Business Block Party being held in May.
- G) **Resolution #1097** - Approval of a resolution amending resolution #1086 updating the Town of Clarkdale Personnel Policies and Procedures Manual.
- H) **Fee Waiver** - Approval of a request by the Clarkdale Water Advisory Group to waive fees for a Clarkdale Water Fair and Yard Sale in a town park.
- I) **HIPAA** - Approval of a Health Insurance Portability and Accountability Act Notice of Privacy Practice and Policies.

REDISTRICTING - Consideration of a proposed Arizona legislative redistricting map. Mayor Bluff moved by unanimous consent to table this item indefinitely.

WORKSESSION - A worksession on the 2004-2005 fiscal year budget. Finance Director Gilboy noted there are four major events affecting the 2004-2005 budget: fire district, water company acquisition, the Jerome court, and the wastewater treatment plant.

FORMATION OF A COMMITTEE - Consideration of forming a committee to make recommendations on Clark Memorial Clubhouse improvements. Vice Mayor Bauer stated she thinks the Town needs to review the needs and resources relative to the Clubhouse. The first meeting of a citizen advisory group will meet on April 21. Without objection, Mayor Bluff opened public comment. *Pat Williams*, Heritage Conservancy Board chairperson, stated she thinks a representative from the Heritage Conservancy Board should be included in any discussions regarding the historic Clubhouse. Vice Mayor Bauer noted her goal is to add technical expertise to the information already available and to do it well on a budget. The information could be used to direct grant research. Mayor Bluff stated that citizens can meet together to discuss whatever topics they want, therefore this does not require Council action.

FUTURE AGENDA ITEMS - Listing of items to be placed on a future council agenda. None.

ADJOURNMENT – With no further business before the Council and without objection, the meeting adjourned at 10:15 p.m.

APPROVE:

SUBMIT:

Michael Bluff, Mayor

Charlotte Hawken, Administrative Assistant

ATTEST:

Joyce Driscoll, Town Clerk